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COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

MASSACHUSETTS OCEAN MANAGEMENT PLAN HEARING

TUESDAY, SEPTEMBER 15, 2009

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MAIN LECTURE ROOM
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7:00 P.M.

FOR THE PROPOSED
DRAFT COMPREHENSIVE OCEAN MANAGEMENT PLAN

John Weber - Ocean Resource Manager, CZM

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P R O C E E D I N G S

(Convened at 7:09 p.m.)

MR. WEBER: If folks could please take their seats, we would like to get started.

Wow, that was -- that was much more effective than what is usually at my house.

Welcome to the public hearing on the Draft Ocean Management Plan. My name is John Weber, and on behalf of the Secretary of Energy and Environmental Affairs, Ian Bowles, and Assistant Secretary for Coastal Ocean Deerin Babb-Brott. Welcome, and thank you all for coming out tonight.

The purpose of tonight, as you all know I'm sure, to have a public hearing on the Draft Ocean Management Plan. This is the second of five public hearings. The first one was last night in Boston. And these are as mandated by the Oceans Act.

The format of tonight's hearing are going to be as follows: After the brief intro and remarks, we're going to do a very quick overview presentation of the Ocean Management Plan. There are some materials over on the side for folks to pick up, and exactly, some maps and as well as a copy of tonight's presentation.

1 Following that then, we'll open it up for public
2 comment.

3 And I guess that's about the introductory
4 remark. Just for a couple of notes for the camera,
5 I'm speaking into a microphone. We are also having a
6 transcript for tonight. Thanks to the Massachusetts
7 Ocean Partnership, we are filming, so if people would
8 like to hear the presentation, they'll have an
9 opportunity to do so. It will be posted online in
10 short order. And also because we are having a
11 transcript of tonight, if people do make public
12 comments, if they would please come up to this
13 microphone, I will be moving and sitting right there,
14 and state your name and spell your last name. That
15 would be very helpful.

16 Before I get started with the presentation,
17 there are a couple of people specifically I would like
18 to point out here: Representative Quinn, thank you
19 very much for attending tonight. The Oceans Act had
20 two advisory bodies that helped us with the course of
21 the development of the Draft Plan: The Ocean Advisory
22 Commission and the Ocean Advisory Council. We have
23 two members of the Advisory Council, Jo-Ann Taylor and
24 John Bullard who is representing SRPEDD and the task

1 force.

2 Also on this date is Priscilla Brooks who is the
3 member of the Science Advisory council, and Catherine
4 Ford who is a member of the Science Advisory Council.
5 Thanks, folks, for coming out and being with us
6 tonight.

7 So I guess I'll launch right into the
8 presentation. This will be brief.

9 The Oceans Act of 2008 did a number of different
10 things for us: It directed the secretary to develop
11 and integrate the Oceans Management Plan with a draft
12 to be published in the end of June, and a final to be
13 promulgated by the end of this year.

14 The Act specified that such an Act, umm, a plan
15 was to be implemented through a system regulation.

16 So specifically, in terms of the meat of the
17 plan, there's kind of two components for the plan:
18 One is that one contains goals, priorities and
19 standards for the uses that are listed up there. The
20 Oceans Act is an overlay onto the existing Oceans
21 Sanctuary Act, which in itself limits the number of
22 uses that are potentially allowable in ocean
23 sanctuaries in Massachusetts waters.

24 So the Plan must address those things for those

1 particular uses. It also must identify and protect
2 those special, sensitive or unique marine and
3 estuarine habitats. So two very specific things that
4 the Act directs us to do.

5 A little more about the Act: It requires all
6 State approval to be consistent with the plan, and
7 direct that the plan be incorporated into the State
8 Coastal Management Program. In other words, if this
9 plan has some teeth to it, this must be implemented as
10 I said, through system regulation.

11 As we most are familiar with: Commercial
12 fishing regulations right now occurs under the
13 jurisdiction of the Division of Marine and Fisheries.
14 The Oceans Act stipulates that the Ocean Plan will not
15 be, and is not, a commercial fishing regulation piece.
16 That existing authority for the Division of Marine and
17 Fisheries remains as was before the Oceans Act.

18 That's a little bit of background about the
19 Oceans Act in general. All of that led to where we
20 are today in terms of results. And that is, we have a
21 draft plan; there are copies of some of the materials
22 that are available here, and also available on the EEA
23 website, which I will read on the last slide when we
24 get through with the presentation.

1 So it sets out the standards for the things that
2 the Oceans Act says must be done now; but also very
3 importantly, it also sets out a framework for
4 continued evolution and progress, and additional
5 science work that has to be done, and as our
6 understanding of the ocean environment is enhanced.

7 That is, in part of the overall plan document,
8 you can see that, if you look at it. It is in Chapter
9 Five. That is a very important piece. We would
10 welcome any comments that you might have on that.

11 There is also a piece of that, obviously, that
12 includes continued public and State overall
13 involvement.

14 Next slide, please.

15 So jumping right sort of the heart of the plan:
16 The plan proposes three management areas. There are
17 prohibited areas, which is essentially the off-shore
18 Cape Cod National Seashore, so, on the outer Cape.
19 We've indicated that in the red color that you see
20 there. That is about 13 percent of the overall
21 planning areas.

22 There is a renewable energy area which is
23 specifically designated for development of commercial
24 wind projects. There are two sets of areas. They are

1 off Gosnold and south of Nomans Land, and off the
2 Vineyard and sort of the southern portion of -- the
3 outer portion of Buzzards Bay. As I said about two
4 percent of the planning area.

5 That leaves about 85 percent of the planning
6 area in what is called the multi-use area.

7 And next slide, please.

8 I will talk to you specifically to some of the
9 particulars of that area in a moment.

10 A little bit more on renewable energy area,
11 we'll see this map on the plan. You can see again the
12 two areas, umm, the southwest portion of the planning
13 area. There are also, that shaded area in blue, that
14 is Federal waters; and then there is a larger area
15 shaded in gray, also in Federal waters.

16 Those shaded areas are meant to represent areas
17 where it is likely Federal waters that there is
18 potential in the middle-to-not-so-near-future, at some
19 point in time, for the development of commercial wind,
20 and the plan acknowledges that.

21 A couple of other features to point out, as
22 you'll see a brief graft, colored boxes; one in the
23 middle of Cape Cod Bay, one to the -- to the south of
24 Gloucester and off of Vineyard Sound, and one off the

1 shore the Merrimack River. Those are what the plan
2 calls Provisional Areas. And that indicates that
3 there are some areas, specifically thinking about
4 commercial wind projects, that survive, that -- that
5 basically made it through our screening process that
6 we used to identify such areas.

7 But for a variety of essentially technical
8 reasons that have to do with the state of wind turbine
9 technology and such things, those areas do not appear
10 in the near-term to be particularly feasible for the
11 development of off-shore wind.

12 Off-shore wind is an area where technology is
13 advancing rapidly; so that may change some time in the
14 future. And were that to change, then there would
15 have to be a formal amendment process to the Oceans
16 Management Plan before a commercial project could be
17 allowed in those areas. And that would involve a
18 public process, formal amendment to this map and other
19 elements of the plan.

20 But you'll see that when you look at the Oceans
21 Management Plan, the Draft.

22 And then finally, in between and extending far
23 to the south of Martha's Vineyard and Nantucket is an
24 area that's proposed out on the Islands that's been

1 working with people at UMass Dartmouth, as well as
2 Congressman Delahunt's office are interested in
3 pursuing a potential area to test various types of
4 technology related to renewable energy, not just wind,
5 but also tidal. So there has been some work done and
6 some thinking done and the plan acknowledges that.

7 Finally, a green dot represents locations at
8 where at the Federal level there has been some review
9 of proposed tidal energy projects.

10 So just an explanation of that map, as you can
11 see that in the plan.

12 Next slide.

13 So I mentioned that in the 85 percent of the
14 planning area there is a multi-use, that's where the
15 identification of special, sensitive or unique
16 resources really come into play. This map is a
17 composite of, um, of the -- I'm going to slip into the
18 jargon and I apologize, SSUs: Special, sensitive or
19 unique areas. That shows in some those resources that
20 have been identified in the Plan.

21 The Plan has not identified for the particular
22 uses, umm, maps of those SSU resources, and I'll show
23 a couple of those maps in just a minute.

24 Importantly, the Plan also proposes a new

1 standard for management of the estuarine regulatory
2 review process. These will be the estuarine resources
3 through the existing MEPA statute. So the use of that
4 existing tool is a way to put this into place.

5 Next slide, please.

6 Here's the example of one of those maps related
7 to the commercial tidal energy facilities.

8 Next slide, please.

9 Sand and gravel extraction.

10 Next slide, please.

11 Again, these are uses that are specifically
12 allowed in the field in the Ocean Sanctuaries Act.
13 Telecommunication and electric cables.

14 And next slide, please.

15 And for pipelines. You'll note that the maps
16 are different. That was intentional. The way these
17 maps were developed was to consider individual
18 environmental resources, habitats, species, as well as
19 human activities that can potentially be affected by,
20 or in conflict with, these particular uses. So that's
21 why each of those maps are different.

22 Just a little bit more because we've had some
23 questions on both from the hearing last night, and
24 also we've done presentations on the Draft Plan and

1 around there. So I thought I would take this back and
2 just describe a little bit more of what you see in the
3 Draft Plan.

4 In terms of developing renewable energy areas,
5 our initial approach to thinking about where renewable
6 energy on the commercial scale should be allowed,
7 really started off with our thinking about the
8 individual data that we had, and thinking about what
9 we called a comparability assessment. It's basically
10 saying What are the particular species? What are the
11 particular uses that we have spatial data for, so that
12 we can identify where these things are really
13 important as far as the planning area?

14 And where, in thinking about that, and then
15 thinking about where commercial wind energy projects
16 would not want to be located because of a result in
17 strong negative impact to those resources.

18 So the compatibility assessment plays a fancy,
19 and not so fancy, but the term for our approach to
20 that. But that was not the end of the analysis and
21 the work that we did in order to develop the final
22 map.

23 We took a look at sort of the state of the
24 technology right now for commercial use; and prior to

1 that, the symmetry, the strong constraints in that
2 arena, we took a look at those areas between 30 to
3 five meters. To less than five meters it's tough to
4 get in and operate in shallow waters, a lot of
5 negative impact. Greater than 30 meters is the
6 technology is just not there. It's too deep of water.

7 We're thinking of that. That further narrowed
8 our area in terms of considering where such areas
9 should be in the planning the area. Then there is
10 also, in this particular map, in the Buzzards Bay
11 area, thinking about things like the importance of
12 particular areas for recreational use.

13 We know that's important for Buzzards Bay from a
14 recreational standpoint. Thinking about things like
15 geography. Buzzards Bay is enclosed on two sides.
16 Those are being -- that's sort of a qualitative
17 assessment in addition to a quantitative assessment in
18 data, it further narrows down areas that we would
19 consider.

20 And then the Oceans Act had some specific
21 requirements for us to consider. One of them is
22 proximity to shoreline. All of that thinking, went
23 into how we designated those final areas.

24 Next slide, please.

1 I've spent a fair amount of time going on about
2 commercial scale winds, and the plan defines community
3 scale winds to ten or less turbines. And it sets out
4 and measures in there, and the Representative and I
5 were speaking before the meeting. You can read
6 through the plan as to what it says, but I won't
7 belabor that point.

8 But some of the things that we were thinking
9 about in response to comments that we've gotten in as
10 well. Right now, the Plan allocates ten turbines
11 potentially to each of the regional planning agencies.
12 Maybe there is another way of doing that per
13 geographic distribution.

14 That begs the question of the role of regional
15 planning agency. The Plan envisions that regional
16 planning agencies would work with the local
17 communities in terms of putting community scale wind
18 in place; thinking about where it would be
19 appropriate; thinking about appropriate mitigation
20 measures; that sort of thing. We'll probably flush
21 that out a little bit more.

22 That relates to then also to the whole structure
23 of the local and regional approval of those projects,
24 and when we get down to the basics. And then what is

1 the relationship to the Oceans Plan. The Oceans Plan
2 says right now is that it requires, in terms of the
3 State review process, if there is a mandatory MEPA
4 review, specifically in the EIR review, that each of
5 these projects will fall under.

6 Next slide, please.

7 One final -- just one final point that I wanted
8 to raise before I get into more of the process going
9 forward: Is that the Oceans Act in one of its very
10 first section, sets out a Trust Fund. This fund is
11 basically a mechanism for -- to look at mitigation
12 development for specific projects.

13 So in terms of details about the Trust Fund, one
14 of those areas we need to do more work on for the fall
15 is to provide some of those details. So that will be
16 some additional, and we welcome public comments on
17 thoughts regarding details about how we will implement
18 such a fund.

19 And essentially, that really gets to is how are
20 we going to for the larger off-shore projects where
21 this would be a factor, how are we going to develop
22 mitigation guidance or methodology? Maybe not down to
23 the point of inflation equation; but just so that we
24 all have a fair understanding of when we're looking at

1 the project, the types of mitigation that would be on
2 the table.

3 And the last is a proposal for an electricity
4 transmission cable to come down from Maine and tied
5 somewhere into the project area. That may provide a
6 case that's before us to look at in future.

7 So, umm, I just want to give a little bit more
8 about the process. After January 1st, some of the
9 things that we're thinking about, that is in Chapter
10 Five of the Plan, it's how do we reinstitute this Plan
11 as well the time framework which sets out a lot of the
12 important science that we need to get out there?

13 How do we build that into the State Agency
14 Research Science and Regulatory programs? There will
15 be a need to work with State agencies themselves and
16 State guidance.

17 Importantly, we have an opportunity with the
18 Massachusetts Ocean Partnership, privately funded from
19 the Moore Foundation, to work with us to implement
20 some of the pieces of the science framework and really
21 advance some of the science that we want to get after.

22 And in ending, then we need to do some work on
23 thinking about continued roles with the various bodies
24 commissioned by this commission appointed by Ocean

1 Advisory Council set forth through the Oceans Act.
2 Through this, when we're getting into the planning
3 implementation and further with the plan, which leads
4 directly to a public participation component of that.

5 So those are my remarks. I will conclude that
6 with these couple of items in the immediate future.
7 The comments deadline, we'll certainly be taking in
8 comments tonight: If folks wish to provide additional
9 comments, that deadline is November 23rd, at 5:00
10 p.m., as mandated by the Oceans Act.

11 We will be working on responses to the comments
12 that we receive, and incorporating plan changes all
13 with an eye towards promulgating a final plan by
14 December 31, 2009, that works, and the public comments
15 will be received by then.

16 And then if you take a look at the website
17 that's up there, mass.gov/eea/mop. Electronic
18 documents associated with the plan will be found
19 there. Both volumes and both the plans and volumes and
20 coast associated maps, all of that will be on there
21 electronically.

22 So that's my presentation. Now I'll turn it
23 over to you. And what, as I said, the way I'm going
24 to do that is slide over here and work off the sign-in

1 sheet and call up folks who have signed in to speak.
2 And again, please come up to the mic and state your
3 name for the transcript.

4 I'll start with Representative Quinn.

5 REPRESENTATIVE QUINN: Thank you very much. For
6 the record John Quinn, Q-u-i-n-n, resident of
7 Dartmouth and state representative of the ninth
8 district.

9 I want to make a couple of brief comments. I
10 thought we were going to have had the commercial here
11 and adjusting here, but I think I want to talk about
12 the tortured history of getting to this bill, and also
13 just a couple of suggestions and recommendations as we
14 go through the review process here.

15 First, the first version of the Oceans Act
16 totally lacked transparency with, to be honest with
17 you, a certain developer that had a certain friend who
18 happened to be the Speaker of the House in Boston.
19 And the name was slipped into the original Oceans Act,
20 which basically rolled back any regulations of any
21 large windmill field in Buzzards Bay; some off
22 Dartmouth, my district; some off of Fairhaven, and
23 some off the Islands. That's how I got into the front
24 end involved in this process.

1 And fortunately, through a lot of work by a lot
2 of people, some of that, or most of that, quite
3 honestly inappropriate legislation was rolled back and
4 tailored to create this commission now, and bring us
5 to where we are today.

6 So I'm pleased that we are here today with a lot
7 of people involved in this planning process, and doing
8 it the right way, above the board, having to travel
9 the State to have public input.

10 That being said, there is a couple of comments
11 or suggestions that I would like to put forth for the
12 Commission to consider going forward.

13 Number one: If you looked at the charts and the
14 different things that the slides that were put up
15 there, there is a field of -- a potential field of 166
16 windmills just on the outskirts of Buzzards Bay, off
17 of Gosnold, or what we know as Cuttyhunk or Sow & Pigs
18 Reef. That is very close to Buzzards Bay.

19 I don't see the need to have these ten community
20 windmills potentially within Buzzards Bay. Now, they
21 said it would be broken down by regional planning
22 zones. I'm not sure how many regional planning zones
23 would reach Buzzards Bay. I know ours, SRPEDD, maybe
24 Barnstable, maybe the Vineyard, they might talk about

1 it. I don't think it would be ten windmills
2 potentially in Buzzards Bay; but I think it would be a
3 lot more.

4 I think that, with all due respect to the
5 no-build area, I think Buzzards Bay is that the SSU
6 acronym of Special, Sensitive and Unique areas, I
7 think should be classified as a prohibited area for a
8 couple of reasons: One, all the environmental issues
9 regarding the birds. But I think more importantly for
10 those of you that were involved in the clean-up, and
11 we're still working legislatively on the oil spill
12 issue, that the risk, what happened in April of 2003.

13 For the sake of 10, 20 windmills, when you have
14 a field of 166 right out in the shipping lane and some
15 others I believe in the charts that are further out in
16 Federal waters, you have potential for several hundred
17 windmills out there. In the appropriate places,
18 outside the shipping lanes, outside of the
19 environmental sensitive areas, I put that forward in
20 the potential change in light of creating those
21 commercial zones right on the lip of Buzzards Bay.

22 The final point I wanted to make, and then I'll
23 sit down, I think we ought to talk about mitigation to
24 host communities, whether it's Dartmouth or whether it

1 is up and down the coast. These are power plants.
2 Every other power plant that's sited in Massachusetts
3 pays some form of mitigation, leasing payments,
4 commercial tax rates to the community in which they're
5 located. And that money is used for the community --
6 whether it's to help upkeep the land or the roads
7 around the facility. So you know, we have one in
8 Dartmouth, in the north end in Dartmouth, the power
9 plant. Part of it is a mitigation agreement that we
10 entered into with the town.

11 I see these windmills as no different. They are
12 power plants; they are in State waters; there in
13 somebody's boundary, I'm not a geologist. But at some
14 point they're claimed by the community, but I don't
15 believe that there is taxation on them.

16 So the community that is going to put up with
17 all of the impact really is going to have no assets or
18 no money to upkeep whatever else goes along with it.

19 In these tough fiscal times, we're talking about
20 billion dollar projects here. I think there should be
21 some sort of negotiated payment to the community.

22 And finally, and I'm seeing the end of your
23 presentation to, I'm into the transparency on this
24 issue. I got the short end of it in Boston when they

1 tried to shove the original bill down the throats of
2 the people in Massachusetts. And it's good to hear
3 that there's going to be all the bells and whistles so
4 that there is approval at the local level.

5 I'll use my town for example. If I understand
6 correctly, any type of project will have to go through
7 the local conservation commission, the local zoning
8 board of appeals, maybe even the board of selectmen,
9 and maybe the town of Dartmouth a town meeting.

10 I think that's appropriate, this is really it's
11 a key change, and no pun intended, a sea change in the
12 way our lives, as far as our world, I think the more
13 input, positive input, but not NIMBY-ism, but more
14 input locally by the qualified people that have
15 stepped up to work in the community to make it better.

16 So with that, I will sit down. But the tortured
17 history, Buzzards Bay should be a prohibited area for
18 all the reasons I laid out, and for the very least,
19 local input and mitigation for the those communities.
20 Thank you.

21 MR. WEBER: Next, I'll call on the Commissioner
22 of the Oceans Advisory Commission. Jo-ann?

23 MS. TAYLOR: I'm Jo-ann Taylor. I'm from the
24 Ocean Advisory Commission from Martha's Vineyard,

1 originally from the New Bedford area. And this has
2 been quite a -- quite an involved process. And I just
3 wanted to point out one aspect of the planning
4 process, and that, I think is the people's reaction to
5 how this data was collected, how the data was used.

6 And I think some -- it is most pertinent to me
7 to see the commercial fishermen out of Martha's
8 Vineyard who looked at the data and weren't quite as
9 satisfied with it, and actually stepped up and offered
10 an alternative with more real data. And I'm perfectly
11 happy to share our methodology. It's very simple.

12 And we got realistic data from the fishermen
13 themselves, Martha's Vineyard commercial fishermen,
14 where they go seaward, and where they fish and, it was
15 all totally anonymous, and they were happy to comply.

16 Our methodology has been -- has been confirmed
17 by the Cape Cod Commercial Fishermen Collaborative,
18 and also from Gloucester. And I would like to see the
19 New Bedford fishermen also -- also follow our lead,
20 and also the Nantucket fishermen, and get all the
21 fishermen behind -- behind us.

22 And not only just for the sake of the numbers,
23 but I think for the sake of the proprietorship and
24 how, when -- when a big effort like this comes along,

1 I think people see -- will see things differently as
2 far as the data that goes into a plan like this.

3 And people whose lives depend on it become
4 really involved in the process. And I'd like to see
5 New Bedford fishermen follow -- follow the lead of the
6 Martha's Vineyard Commercial Fishermen in that
7 respect.

8 Also, I would like to just point out, I think it
9 was TS Elliot who said: It's not -- it's not as
10 important how blessed our geographic area is with
11 natural resources; the most important thing is how
12 those resources are used.

13 And I would just like everybody to keep that in
14 mind. And I would just like to thank everybody who
15 has worked so hard, and especially the people who are
16 actually going to become even more involved and with
17 final results, I think we're all going to -- we're all
18 going to be definitely impacted in our future. Thank
19 you.

20 MR. WEBER: Thank you. John Bullard.

21 MR. BULLARD: Thanks John, my name is John
22 Bullard, B-u-l-l-a-r-d. I'm a resident of New
23 Bedford. And a long time ago in the late 1900s I was
24 mayor. I don't see the Mayor Scott Lang here, so let

1 me, on behalf of Scott and the people of New Bedford,
2 first of all, welcome you to the city of New Bedford.

3 When I was mayor, we would describe New Bedford
4 to many people, and I got it down to one quick word,
5 seaport. Send our people out to sea. And even though
6 there are no voters out there, nobody lives out there,
7 and the ocean has very little constituents as a result
8 of that, it is what defines New Bedford, and almost
9 any other city can't say so.

10 And so it has your attention and has the
11 legislators' attention on the ocean, which sustains
12 us, which is very important.

13 There has been many examples, unfortunately,
14 recently people debating various issues with lots of
15 anger and raised voices. But here in the city of New
16 Bedford that won't happen, because we're used to
17 facing tough issues with civility, and we have Eloise
18 Pina looking over our shoulder here, Sister Rose and
19 Ruby Dottin, and so to all the various polite anointed
20 here.

21 The first thing that I must say is to
22 congratulate the people involved in this process. The
23 legislator, John and others for passing this bill, I
24 think eventually getting it absolutely right, and

1 creating a very ambitious timetable. And as John and
2 Deerin and other members of the team who have done an
3 unbelievable amount of work in one year, this is
4 really amazing. And you do all that work during the
5 day, and then at night you're in Boston last night,
6 and here in New Bedford tonight.

7 I guess after this process, you may introduce
8 yourselves back to your family. But, you know, it's
9 so easy to take shots at government. You all are
10 doing a very difficult job, very complex, and putting
11 your heart in all of this, and I thank you for that.

12 And I also have to look, when you see people
13 like Sally Garfield and Joe Costa and others who have
14 been doing this for decades out in -- I was going to
15 say out in the fields, but not out in the field. But
16 advocating for the Ocean's environment, it's
17 fulfilling to all of us to see this advance so far
18 within the last year.

19 This is the first effort in the country as
20 people, I'm sure know, that are trying to do
21 science-based, ecosystem-based integrated Marine space
22 plan. If we get it right in Massachusetts, it's going
23 to have an impact far beyond our borders, and we need
24 that.

1 The specific comments I would make on the plan
2 as a citizen, also as a volunteer, I've been involved
3 in MOP and involved in the Coalition for Buzzards Bay.
4 And Korrin is going to present the Coalition's
5 detailed comments on one of the water quality testers
6 and have been for 15 years. Lots of citizens care
7 about this.

8 You mentioned, John, in the presentation that
9 the plan is designed to evolve. And we're going to
10 have a draft on -- on January. We're going to have it
11 in place on January 1st. But the plan is suppose to
12 live, and it's suppose to react to new information
13 that we find out.

14 And I would urge us to -- to realize that has to
15 happen almost immediately, and continuously; that
16 there will constantly be new information, and not to
17 wait five years before the next draft of this plan,
18 but as significant new information comes, the plan has
19 to evolve continuously.

20 A second point I would make is that there is a
21 tendency to think we can preserve the status quo, and
22 the Bay we love, and the Massachusetts State waters we
23 love, and that is unfortunately totally out of the
24 question.

1 We are changing Buzzards Bay; we are changing
2 Massachusetts State waters; we are changing the
3 ocean's environment dramatically, quickly, and perhaps
4 irreversibly. And many of the changes are changes
5 that are not regulated under this plan, that come from
6 remote sources. And we need to connect some of these
7 dots and we need to act with a sense of urgency.

8 One of the things that the Coalition of Buzzards
9 Bay recognizes, while an oil spill of 98,000 gallons
10 certainly gets you on the front page, get's you worthy
11 of all of the legislations' attention; but after the
12 oil spill is cleaned up, the biggest threat to Buzzard
13 Bay is nitrogen. And nitrogen is robbing the Bay of
14 oxygen, and without oxygen there is no life.

15 And Tuesday or last week when I was measuring
16 the oxygen content in the upper harbor, as you know,
17 it's the lowest I've mentioned. And the condition of
18 the Bay unfortunately is not getting better, it's
19 getting worse.

20 And nitrogen loading comes from remote -- remote
21 sources, and this is why the Coalition as spent so
22 much of an effort at land preservation to get, you
23 know, to come to grips with sprawl and golf courses
24 and lawn fertilizers, and all of the other things that

1 are on land that destroy life and are not really
2 covered.

3 But this law is intended to protect the Marine
4 environment. And the Marine environment is threatened
5 from remote sources, and so we have to connect that.

6 The other thing clearly that is changing in the
7 Marine environment is the global warming. And as the
8 last meetings of the Ocean Advisory Commission
9 Chairman Frank Miser mentioned that another law that
10 the legislature passed on global warming, to be looked
11 at and judged within to see what kind of overlap
12 exists, because we are changing the chemistry of the
13 ocean, and it's becoming acidic, and that threatens
14 the shellfish, which we're the number one seaport in
15 the country. It's a major threat.

16 We are changing the level of the water. NOAA
17 reported, I read it today, two feet -- two feet this
18 year increase in sea level due to reduced flow from
19 the Gulf Stream and more easily wind, not necessarily
20 global warming; but a significant change, two feet.
21 Anyone who is out on the water looking at high tide
22 this year knows that.

23 Huge change. So we're changing the chemistry;
24 we're changing the temperature, we're seeing fish

1 species move. All of these remote sources that affect
2 Marine environment that this law is intending to
3 protect. If we don't find ways to deal with remote
4 threats, then we're not going to be able to protect
5 the waters today. That's a large order, but I know we
6 need to do that.

7 I need to learn a lot more about the SSUs, but I
8 guess my impression as a nonscientist is, I appreciate
9 the complexity, and I appreciate that the plan
10 actually gets away from my good friend John's
11 terminology of cohabitation, and reduces the concept of
12 sanctuaries where nothing is allowed; and instead,
13 focuses on what are the special characteristics and
14 what are the uses that actually conflict with them;
15 how do we permit uses that don't conflict? And how do
16 we prohibit the uses that do conflict? How do we tell
17 the difference between them?

18 It's complex, it's rich, it's based on science;
19 but I think that approach will allow us to make the
20 wiser decision.

21 Finally, I wanted to talk about wind. And I
22 think that here -- I'm driven by the fact that I
23 believe we're in an emergency, and we need to change
24 where we get our energy from, and we need to do it

1 very quickly. So there will be no Bouchard Oil barges
2 coming through the Bay, and we will be getting off of
3 oil. And that means we have to be getting on to
4 something else, and that means to me, amongst other
5 things wind power.

6 And I thought the State had a very ambitious
7 goal about renewable energy. And then I looked at the
8 plan and see two percent of all of the waters of the
9 Commonwealth, two percent are devoted to renewable
10 energy. And I said, Wow, that's really understanding
11 the magnitude of the challenge of reorienting where we
12 get power. Two percent.

13 Then I look, coming from New Bedford and being
14 used to the relationship between this part of the
15 world and Boston, and I wonder where the two percent
16 is in the Commonwealth of Massachusetts, in the entire
17 Commonwealth of Massachusetts? Where would the two
18 percent be located? Because everyone wants to live
19 next to a windmill. It's located here.

20 We are the backyard, in the Not-In-My-Backyard.
21 And I'm wondering. Because it always just seems to be
22 that way. If there is good thing like rail, we don't
23 get them, you know. There are things that maybe
24 people don't like, we do seem to get them. Seems to

1 be a pattern.

2 But -- but, I want windmills in my backyard. I
3 want windmills in my front yard. We need the
4 windmills. And so if the only two percent of the
5 plans we can find in all of Massachusetts State waters
6 is right off of Buzzards Bay, let's get on with it.
7 Okay, let's develop those two percent. Let's generate
8 clean renewable energy, and then let us build for
9 more.

10 And I think your engagement with the Federal
11 Government to see the back area to expand out there is
12 good, and I know you're working on it. But I think
13 specifically we need to engage with the people here in
14 New Bedford and the surrounding communities, about how
15 we are actually going to take those two areas of the
16 Sow & Pigs and Nomans into a facility that generates
17 clean energy and do it in a way that does not harm
18 natural resources.

19 And I know there will be a transmission cable.
20 I suspect a transmission cable that links those plants
21 will be coming to New Bedford, and I will suspect it
22 will be crossing Buzzards Bay in order to get to New
23 Bedford.

24 So I think as soon as this plan is done, that

1 the Commonwealth has to be -- we shouldn't even wait
2 for that, in discussions with Matt Morrissey and
3 Kristin Decas, and other people in the city of New
4 Bedford is going to say, There's going to be
5 significant wind power right here in Buzzards Bay as
6 Representative Quinn said. It's going to be in a
7 transmission line that goes across Buzzards Bay.

8 Now, how are we going to develop? How are we
9 going to build the windmills? Where are they going to
10 be built? Where is the energy going to be
11 distributed? And what is so great about this plan is
12 that the State is now in the driver's seat, as opposed
13 to the way it was done with the Cape Wind where the
14 developer was in the driver's seat.

15 And so you have the ability to say to any
16 developer who wants to extract something from the
17 people's resources, You will pay for it. And it is
18 absolute legitimate. You're in the driver's seat to
19 do that. That's what sets up the -- the Trust Fund
20 for the mitigation of the impact of the transmission
21 line and the other things.

22 And as Representative Quinn said, you know, that
23 should not be spread around all of Massachusetts state
24 waters. When the only two percent we can find is

1 right here in southeastern Massachusetts, all right?
2 So that needs to be, you know, right here where the
3 impact is.

4 And so, again, congratulations for getting this
5 far, this is such a huge step in 12 months. I commend
6 you for it. And it's exciting about where this leads.
7 Thank you, very much.

8 MR. WEBER: Thank you, John. At this time, the
9 Science Advisory Council, I think Priscilla --
10 Priscilla Brooks.

11 MS. BROOKS: Thank you, John. And always a
12 tough act to follow John, but I'll do my best.

13 My name is Priscilla Brooks and I'm the director
14 of the Ocean Conservation Program and Conservation Law
15 Federation. CLF has a long history of protecting New
16 England's ocean environment, as well as addressing the
17 threat of global climate change by promoting
18 responsible renewable energy facilities, and energy
19 efficiency, and to reduce dependancy on fossil fuels.

20 First I would also like to compliment the
21 Commonwealth, and in particular to the Coastal Zone
22 Management Office, and in particular the staff that
23 worked on this plan. It is -- we really have come so
24 far, and hearing the planning is built upon an

1 incredibly massive database, and it genuine --
2 genuinely presents a very elegant framework on
3 multi-use ocean management.

4 I want to take a moment to actually talk about
5 the CPH that Representative Quinn mentioned, because
6 Massachusetts is in deed, engaged in that. And it is
7 amazing that this has happened in six years. This
8 whole process began with the Ocean Management Task
9 Force that was appointed by Governor Romney back in
10 2003; and that was quickly followed by the filing of
11 the First Ocean Management Act bill by Senator
12 O'Leary.

13 The Senate passed it twice, and it finally got
14 to the House and signed into law by Governor Patrick
15 just last year. And we're here for the Ocean Draft we
16 talked about. That's six years. I feel that's really
17 remarkable, congratulation.

18 Tonight, I am going to focus very narrowly on
19 what we consider the two most important issues with
20 respect to the plan, and the first is the
21 identification and protection of special sensitive or
22 unique habitats and Ocean wildlife; and the second is
23 the citing of appropriate scale of renewable energy.

24 In CLF's view, one of the most important and one

1 of the most specific mandates of the Oceans Act is to
2 identify and protect special sensitive or unique
3 Marine estuarine wildlife habitat.

4 The plan has done a great job. I think we can
5 identify this need based on the data that we have to
6 date; however, the plan does not adequately protect
7 these critical areas.

8 It's important to remember that all of our
9 Massachusetts waters are a public trust resource.
10 They belong to all of us. And I think that the
11 special sensitive and unique areas, or the SSUs, are
12 really ecological crown jewels of the Massachusetts
13 coastline. And this includes places like critical
14 habitats for endangered species, roseate tern, right
15 whale.

16 The State identified very, very, but hard to
17 find part of SSUs. I think that's right along. Also
18 areas with high fishery resource abundance; again,
19 very, very important areas that deserve to have a high
20 bar for development.

21 We don't believe the present draft of the Ocean
22 Management Plan and the proposed standards will
23 adequately protect these special places.

24 As a practical matter, we believe that the

1 proposed MEPA standards is a untested legal concept
2 and leaves a vague and unqualified burden on the State
3 to defend SSUs on a case-by-case basis. What does it
4 mean to demonstrate that there is no less damaging
5 practical alternative in order for a project to go
6 forward?

7 As a practical matter, this performance bears no
8 more stringent standards than current MEPA standards
9 and really doesn't afford any particular extra
10 protection to state waters and in more in the SSUs.

11 So we strongly recommend that the MEPA standards
12 be reviewed. We think it's right to work within the
13 state regs. We think the MEPA could be a much
14 stronger set. And we are proposing a three-part
15 standard.

16 The first one, would be the State should
17 establish a clear and legal presumption but only by
18 evidence that there is a less damaging and practical
19 alternative outside of this. This should encourage
20 developers to site their project outside special
21 areas.

22 The second step in this three-part standard
23 would be that any project would have to overcome --
24 would have to demonstrate that the SSU, for developing

1 an SSU, creates a public benefits that outweighs the
2 cost to the resource and habitat issue.

3 And the third part, once you got over those two,
4 the project would have to be developed in a manner
5 that did not cause significant adverse effects on the
6 resource and habitat values that the SSU say they'll
7 protect.

8 We urge the State to revisit the SSU standard in
9 the Oceans Act as far as -- again, I want to be very
10 clear, we're not proposing a no-development or
11 prohibited development in these areas; we're simply
12 saying we have to set the bar high.

13 Beyond identifying the SSUs, another critical
14 objective of this plan was to allow for the first time
15 in all of the State's waters, appropriate scale
16 renewable resources. And we applaud the State for
17 doing that; because we believe that we have got to
18 develop our resources, and Massachusetts doesn't need
19 to have their significant wasted resources off the
20 shores.

21 Again, no off-shore renewable energy technology
22 is more proven and ready to be moved forward than the
23 wind turbines; so we think that's appropriate that
24 this plan focuses attention more on energy,

1 specifically. However, we don't believe the Draft
2 Plan's proposed limits for community scale wind limits
3 an absolute cap for wind turbines per RPA, the
4 Regional Planning Authority, to ten.

5 We think that it's too militant. Maybe one of
6 our RPA encompasses dozens of miles of shoreline,
7 hundreds of miles of shorelines, and involves a number
8 of different coastal communities, that each community
9 could have the energy process by its shore.

10 Setting a flat limit of ten turbines per RPA is
11 arbitrary, and also risks putting the communities --
12 pitting the communities against each other, as again,
13 seeking opportunity to tap into clean local renewable
14 energy resources.

15 We also believe that the requirement for
16 community wind projects demonstrate support from their
17 local communities. It's well-intentioned, but not
18 clear enough in this planning, and needs to be a much
19 more specific standard for that. As well, that the
20 requirements do demonstrate that the direct local
21 benefit seems to be too vague.

22 We recommend that the Draft Plan be revised to
23 follow the example of the Energy -- the Federal Energy
24 Policy Act of 2005 that calls for sharing 27 percent

1 of the Federal off-shore renewable energy lease fees
2 with the state closest to each project.

3 Here, an explicit lease fee-sharing mechanism
4 should be set to ensure that adjacent or "host"
5 communities receive a fixed percentage of the revenues
6 paid by projects to the Commonwealth.

7 With respect to large-scaled so-called
8 commercial wind energy projects, we appreciate that
9 the Draft Plan identified two wind energy areas, that
10 those two being monstrosity, a waste of time and
11 donation. These locations appear at the deepest
12 because the natural resource -- the biggest natural
13 resource impact and conflicts with these are
14 minimized. And they are also adjacent to Federal
15 waters that may be very suitable for wind energy.

16 However, we want to caution that these sites are
17 particularly deep waters, and they are very exposed;
18 and off-shore wind technology that would be
19 appropriate for such sites has not yet been proven;
20 that is not to say that wind energy, commercial wind
21 energy designation should be scrapped; in fact, they
22 could be a very helpful guideline.

23 But it's important to recognize that the
24 designation of the limited sites representing only two

1 percent of the waters encompassed by the plan is
2 unlikely to lead insignificant deployment of wind
3 energy technology for the duration -- of the duration
4 of the Ocean Management Plan.

5 So we need to, therefore, even more important to
6 foster a response in what I cited with the community
7 wind resources and other locations that are more
8 suitable for near-term projects that meets the current
9 technology.

10 In this light, it is important to set the stage
11 for successful deployment of community wind projects;
12 and also important to -- for further exploration
13 immediately on these three provisional wind areas,
14 rather than put them on hold now, as the document
15 said.

16 We will submit written comments, and in October
17 we look forward to working with the Commonwealth to
18 provide and improve this Ocean Management Plan. Thank
19 you for the opportunity to speak.

20 MR. WEBER: Catherine Ford would speak.

21 MS. FORD: Hi, my name is Catherine Ford. I'm
22 the Fisheries Habitat Program Leader in the
23 Massachusetts Division of Marine Fisheries. I was
24 further Science Advisory Council for the Ocean

1 Planning Process, and I was one of the teams that
2 helped simulate the effects, actually, and trying to
3 find data, as well as working with fairly complicated
4 issues regarding how to integrate a lot of this data
5 we got.

6 I have a very quick message: One of our key
7 challenges was identifying data sets that were
8 available at a relatively similar quality across the
9 entire planning area. This is across the whole state
10 ocean area. And there are some that are missing, for
11 example, turtles. We could not find data about
12 turtles. So we're still looking. If anybody has
13 state-wide information about uses of resources in
14 Massachusetts, would you please submit them in your
15 comments. Thank you.

16 MR. WEBER: Are there other elected officials
17 who might have come in late that would like to speak?
18 Sir? Would you care to make a comment.

19 UNIDENTIFIED SPEAKER: I will submit mine in
20 writing.

21 MR. WEBER: Thank you. Thank you for your
22 comment.

23 Then I'm going to start working off the sign-in
24 sheet.

1 I'll start with Robbin Peach.

2 MS. PEACH: Hello, everybody. I'm speaking to
3 you tonight mostly as a resident of Buzzards Bay.
4 I've lived in this area in Mattapoisett for 15 years
5 and I boat, swim, and I love our Marine resources.

6 Secondly, I speak as one who has been advocating
7 for integrated ocean management for over a decade;
8 both in my position on the Massachusetts Oceans Task
9 Force, and the founder of MOP, and now currently at
10 the college center for graduate focus on the politics
11 of ocean management.

12 I've been thinking about what we should do, what
13 we can do, what we will do all over the last eight
14 years from my various positions. And the Task Force
15 eight years ago had the foresight to realize, and
16 specifically Massachusetts, to benefit from
17 legislation that, I don't want to use the word
18 mandate, but encourage integrated multi-use ocean
19 management.

20 Excuse me. At the time, however, the task force
21 didn't -- didn't have the pressing scientific
22 consensus on climate change that we now have after the
23 community course assessment, or localized as John
24 said, two feet the ocean will rise.

1 We didn't have a time advantage of renewable --
2 is there any water around? No?

3 We did not have a scientific research data and
4 support tools that have been provided by the
5 Massachusetts Oceans Partnership, and the State
6 integrated work to prepare their team. We certainly
7 didn't, at the time, see the collapse of the global
8 national and local economy.

9 I feel, however, that the Oceans Act that began
10 six years ago was still depending on a lot of
11 mandates. And in particular those that called for the
12 addressing of climate changes and a lot of the issues
13 involved with sea level rising, adherence to sound
14 management practices that include national social and
15 economic data and policies.

16 And the fact that they called for the extreme --
17 extremely appointed item of value, biodiversity and
18 ecosystem health.

19 About three years ago, there was a group of
20 scientists throughout the nation, who scientists
21 called System Based-Management Principals. And it was
22 a consensus report, and they laid out seven actions
23 that they laid out what we needed to make sure the
24 System-Based Management principals were adhered to.

1 On or before November 23, 2009, this particular
2 plan will be promulgated and it will adopted and it
3 will become part of the Coastal Zone Management
4 Program. But as John pointed out, in five years, this
5 plan will change. And it will change actually before
6 then, because the team has done such an excellent job
7 to date will continue to do such a good job in making
8 sure that the plan is adaptive and enters in more
9 information.

10 I feel as we go through the next five years, the
11 citizens and, as a scientific team and the government
12 team puts this plan together, that we constantly
13 remember that one of the underlying principals of both
14 the Task Force and the Mass. Oceans Act, is to manage
15 our coastal ocean with Ecosystem-Based Management
16 Principals.

17 I don't want to take a lot of time highlighting
18 them, but I think it's noteworthy to underscore the
19 fact that the team has done a remarkably good job.
20 That in looking at how you're going to take a
21 System-Based Management Principal, and create a Marine
22 spatial plan that adheres to those.

23 And I want to focus on seven of those, and two
24 that I think we should continue to focus on. And

1 particular, the Ocean Trust Fund focus on in the next
2 five years.

3 The seven acts oriented principals in the Ocean
4 Based Management as laid out by the consensus report
5 are the following: One, the ecosystem planning. And
6 that involves multiple-state culverts, and take into
7 account cumulative impacts; of all of our actions in
8 the coastal ocean. And the plans for long-term
9 changes.

10 And I think the team is aware of it and there is
11 a lot of science being done currently of cumulative
12 impact and clearly we're working with the State
13 involvement into consideration.

14 The second action of CZM in the development of
15 this report, promises jurisdictional management vote.
16 And that means establishing functions with local
17 authorities, with neighboring partners such as the
18 state of Rhode Island, and the Federal government, and
19 I know the team is doing this, and will continue to do
20 this.

21 Zoning is the third principal. And that is
22 taking regions of our ocean, taking Marine spatially
23 explicit areas, and SSUs in areas of development. But
24 we are also seeking to look at area based management

1 in a much more coordinated from the larger, and that's
2 beyond the three-mile mark, and John pointed out also
3 goes inland. I don't think you have done that, and we
4 need to do that.

5 Habitat restoration is the fourth element. And
6 we will be doing that and possibly for the cumulative
7 impact, and research and monitoring and really with
8 rigorous evaluation.

9 Home management is the fifth. And government
10 should bring up stakeholder that are currently
11 involved in this through the Massachusetts Ocean
12 Partnership, through the local planning agencies, and
13 through the turnout of people in the community.

14 Adaptive management is the sixth, where
15 management acknowledges, current knowledge in seaport
16 cities and communities with each other constantly, and
17 this is one area where I feel the Ocean Trust Fund
18 really needs to focus on their resources. Because
19 doing this work takes not only the resources that
20 people already hired by the State, scientists at the
21 university are all ready working on this; but take
22 additional new resources, and I think some of that
23 mitigation might need going toward creating adaptive
24 management science principles.

1 The seventh, I think most important as far as
2 the Trust Fund is concerned, as long as we're
3 negotiating coastal preserving in mining areas.
4 Because again, as this planning is adaptive, it's
5 going to cost planning, continue to do research,
6 continue involve all the stakeholders, and make those
7 connections that are not yet made, make connections on
8 land and connections out in Federal water.

9 So I want to applaud the team for all the great
10 work that's been done, and I want you to continue to
11 think about continuing principles as we're going
12 forward to the next three our four years plan for
13 next, whatever, 2.0?

14 MR. WEBER: Thank you. Korrin Petersen.

15 MS. PETERSEN: Hi, thank you. My name is Korrin
16 Petersen. I'm vice president, acting for the
17 Coalition of Buzzards Bay. The Coalition is a
18 nonprofit membership supported organization that
19 teaches about the direct impact of people who use of
20 Buzzards Bay and we represent 5,500 individual
21 families, organizations and establishments in
22 southeastern Massachusetts.

23 I want to begin by first thanking the State and
24 the Office of Coastal Zone Management for joining us

1 here in New Bedford, and for the extent of work you
2 put into this plan.

3 This Draft Ocean Management Plan provides an
4 important first step, to procreate siting ocean based
5 renewable energy in Massachusetts, and we're please to
6 offer our support.

7 We recognize that an incredible amount of
8 information has been supervised under an unrealistic
9 time-line. And our comments tonight, our general
10 focus is to gather more information used better to
11 perform the mandates made in the future.

12 The Coalition will submit more written details,
13 more details in written comments by the deadline; but
14 we wanted to provide you with some highlights tonight.

15 Briefly, I want to briefly talk about the unique
16 aspect of Buzzards Bay; and again, the brief
17 discussion of the importance and the regulatory
18 framework which existed prior to the establishment in
19 developing of this plan that recognizes Buzzards Bay
20 as a resource with the need for individual protection.

21 It was one of first estuaries designated by
22 Congress as an estuary of natural significance. And
23 there are only one of 28 today.

24 And in addition to this regulatory protection

1 passed by the State, and some by the Federal
2 Government, regarding the transit of oil in the Bay,
3 the Bay is the benefit area, but there are two other
4 important protections.

5 First, the use of large hauling and netting has
6 been prohibited in the Bay since the 1880s in order to
7 protect vital fishery habitats for fishery. In 2006,
8 the State legislature banned the disposal of dredging
9 material on Buzzards Bay.

10 With regard to the existence of information
11 included in this plan, again, the State should be
12 commended. However, the Coalition notes that there
13 are some existing information that we hope will be
14 tied into the final plan.

15 The Coalition has the largest water monitoring
16 program in the State, involving the monitor. We have
17 18 years of data which we hope will find its way to
18 the plans to better inform the future plan on the
19 water quality efforts.

20 While the majority of these sites are -- are
21 outside, umm, the planning -- the regional planning
22 area, there are few critical sites that are in
23 Buzzards Bay and ahead of Buzzards Bay that are within
24 the planning area that should be --

1 (undecipherable)the Coalition should provide the State
2 with that information.

3 Umm, John Bullard noted that nitrogen pollution
4 was an important threat to Buzzards Bay; and that the
5 Coalition maintains that that problem remains the
6 greatest long-term threat to Buzzards Bay. And the
7 land and the science framework, it does cite on
8 several occasions that nitrogen is the primary
9 pollution for coastal (undecipherable).

10 With that said, there is significant information
11 that exists today from the State that would benefit,
12 the plan would benefit if you incorporate it. The
13 Massachusetts Estuary Project and the partnership
14 between the University of Massachusetts Dartmouth and
15 the Department of Environmental Protection is charged
16 with determining that the nutrient concentration in
17 about the appropriate level of nitrogen, 89 estuaries
18 in southeastern Massachusetts. This is a body of
19 information that exists today, and I hope will be
20 incorporated in the plan.

21 Along the same lines, the plan really -- the
22 nitrogen pollution, which has been causing the
23 impairment of these water bodies, under Federal law
24 requires what's called the total maximum daily flows.

1 And it's the appropriate for those nitrogen based
2 estuaries. The plan is also what how it would be,
3 what is intended to be Federal regulatory.

4 That covers the information that is out there.
5 The plan acknowledges that there is a need for
6 additional information; and in fact, it identifies a
7 whole host of information that it focuses on, that
8 hopes to come by in the future.

9 The final plan should establish interim
10 deadlines for the collection of this information and
11 not wait for the five-year provision of the plan. It
12 would be a crime. This great plan that's going forth
13 and sits on the shelf for the next five years and then
14 take it off the shelf. There is -- there is a
15 movement to -- to continue this work. And I hope that
16 the final plan includes some interim deadline for
17 collecting that information.

18 For example, the information that needs to be
19 collected, regarding the roseate tern habitat in
20 Buzzards Bay. The plan must establish a time frame to
21 collect that information within the next five years.
22 This means to obtain information that needs to be
23 planned for.

24 The Coalition will provide the extent of their

1 comments on what types of studies should be done under
2 the transfer of Buzzards Bay; and we'll submit to the
3 State in the time-line the other layer of that
4 information.

5 Other information which should be collected,
6 includes the types of fuel, in addition to various
7 vessels that carry those fuels through Buzzards Bay.
8 We all know that Buzzards Bay serves as the petroleum
9 super highway for the east coast, carrying two billion
10 gallons of oil annually.

11 However, oil may not be the fuel de jure in the
12 future; and so it's really critical that the
13 Commonwealth track what types of fuels are being
14 transited in Buzzards Bay, and how are they being
15 transited in Buzzards Bay. And the regulatory
16 framework exists to prevent spills from the future
17 fuels, as we had worked so hard to accomplish what we
18 did.

19 I will tend to navigate, I want to turn our
20 attention now to identification protection of these
21 SSUs. The Oceans Act requires the plan to identify
22 the SSU resources with the intent that the development
23 would be redirected away from these delicate
24 resources.

1 Unfortunately, the proposed Draft Plan, falls
2 short in keeping the Act's intent. The proposed
3 standard is not substantively different than the
4 current MEPA standards; therefore provides no
5 additional protection that currently exists, the
6 efforts under the MEPA review. We really urge the
7 Commonwealth to review this regulation in order to
8 enhance the protection for SSU as required by those
9 facts.

10 The plan does do a good job in identifying SSUs,
11 the roseate tern and the eel grass, two significant
12 habitats in Buzzards Bay. However, we request that
13 the Commonwealth reevaluate its characterizing of the
14 eelgrass habitat. The plan uses existing colonies of
15 eelgrass as the character of this SSU. And it really
16 should focus on the historical coverage of eelgrass as
17 an SSU.

18 Local communities in the Commonwealth along the
19 coast have spent substantial resources in restoring
20 eelgrass and improving water quality in order for
21 eelgrass to be established. It would be the intent of
22 the plan is not to undue the worthy investments.

23 Focusing on wind energy under the plan. The
24 Coalition feels that within the vicinity of Buzzards

1 Bay, the State identify the most probably location for
2 restoring wind, and that area is south of Cuttyhunk
3 Island. However the plan -- however, the Coalition
4 agrees that further evaluation of the site is needed,
5 and the Coalition continues to monitor the proposed
6 project in that area to ensure that environmental
7 impacts are avoided.

8 With regard to the site of the community scale
9 wind in Buzzards Bay: The Coalition commends the
10 community support requirements in the plan. We are
11 supporting a limitation of the ten turbines per RPAs
12 for Buzzards Bay. However, given the SSUs located in
13 Buzzards Bay, any project in Buzzards Bay should be
14 carefully reconsidered.

15 With regard to the role of regional planning
16 authorities: There is some room for clarification in
17 the final plan. Buzzards Bay is divided between three
18 RPAs: The Cape Cod Commission, Martha's Vineyard
19 Commission and SRPEDD.

20 While saying that the RPAs have regulatory
21 reviews of projects and development of regional
22 impacts, SRPEDD lacks that authority under the law.
23 We need to make sure all projects reviewed in Buzzards
24 Bay are reviewed under the same authority. The plan

1 needs to offer more guidance and the same regulatory
2 authority for all community wind projects for Buzzards
3 Bay.

4 And finally, after having discussed previously
5 by Representative Quinn and Rob O'Leary, the Oceans
6 Act is a balancing act of the Ocean's resources Trust
7 fund. It's critical to the host communities that are
8 impacted by this development, including those
9 surrounding communities, perhaps not the community
10 actually playing host, but surrounding communities for
11 providing services for the infrastructure and the
12 development of those areas receive funds toward
13 environment mitigation.

14 In conclusion: The Coalition, again, commends
15 the State for its diligence in completing this Draft
16 Plan under a really ambitious time line, and we thank
17 you for joining us here tonight and for the
18 opportunity to comment.

19 MR. WEBER: Toby Burr.

20 MR. BURR: Toby Burr, B-u-r-r, from Marion. I
21 run a family boatyard in Marion called Burr Brothers
22 Boat. And we are a member of Mass. Marine Trade
23 Association. Thank you for the opportunity to
24 contribute tonight. I wanted to speak about

1 recreational boating. I feel that the final plan that
2 was done needs to accurately reflect all of the
3 recreational boating that takes place in
4 Massachusetts' waters.

5 Several months ago, Mass. Marine Trades
6 submitted charts showing all of the areas of
7 Massachusetts that had extensive recreational boating
8 and the routes that recreational boating were taken;
9 however the Draft Plan leaves out any of those areas.

10 For example, off of Wareham Harbor or off of
11 Westbrook Harbor or the east side of Buzzards Bay,
12 those areas are extensively boated. I've boated
13 there, many of my customers boat there. And those
14 areas should be reflected as being areas of
15 recreational boating.

16 I am told that the State is going to address
17 this problem, and that encourages me, and I certainly
18 hope that they will do that so that when the final
19 plan comes out, all the areas that are part of
20 recreational boating on the Mass. Marine Trade charts
21 are shown as recreational boating areas in the plan.

22 Thank you.

23 MR. WEBER: You're welcome. I have some folks
24 who signed up as maybe; but first then go back to the

1 maybes, and so the next on my list is Karen
2 Dourdeville. I apologize in advance.

3 MS. DOURDEVILLE: That's all right. I'll --
4 I'll decline.

5 MR. WEBER: Thank you. And again, I apologize.
6 I have Gene Succolich.

7 MR. SUCCOLICH: I have no prepared statement. I
8 am here as a resident of Wilbur Point in Fairhaven.
9 I've been there five and a half years, some consider
10 it enough. As sort of writing a book. I'm almost
11 finished writing a book, but before then, I did most
12 of my writing for an organization in business lines.
13 In regard to that, I wrote the petition for the New
14 England states on behalf of the commercial fishermen.
15 Hundreds of people in New Bedford signed up.

16 What interests me in this plan was when I heard,
17 this is the first one in the country. That always
18 catches my attention. First of anything catches my
19 attention. Having been president and CEO in a company
20 in Cambridge, you never want to be on the company
21 ground in your business. You want competition that
22 validates what you're doing.

23 If you make a discovery, that's fine, then you
24 can be first. Having a new management process? Why?

1 From what I can tell, it's because of wind farms that
2 generated this. I could be wrong. I'm just reading
3 the newspapers.

4 And to my mind, that was a relatively small
5 issue. In my past life I was the assistant director
6 of state energy office with Mike Dukakis, the governor
7 came on and I just came out of grad school. He asked
8 me to write congressional testimony. And then
9 Secretary of Environmental Affairs Murphy, I did so,
10 and she was obsessed, because it was way above her. I
11 had oceanographic degrees, she didn't did, and it was
12 all over her head. I was in my mid-20s when I wrote
13 it.

14 This management plan, on top of the Coastal Zone
15 Management Plan, and given the reputation of
16 Massachusetts, seems to be, in my mind, another layer,
17 another environmental layer of -- using a common
18 phrase -- business prevention. But I don't think it
19 goes there.

20 I don't understand the need for this plan. But
21 it's there; I'm not going to fight it. It's a fun
22 plan. It's an interesting academic exercise, and
23 that's what it is. It's an academic exercise. You're
24 dealing with wind farms within three miles, renewable

1 energy resources. We're talking about a fraction of
2 the energy resources this State needs. We're talking
3 about small stuff.

4 This plan is small stuff. So you can have fun
5 with it. I wouldn't chagrin anybody who developed it.
6 I'm always interested in people in state government.
7 I've dealt with many of them who have French degrees,
8 sociology degrees, and we're talking about Marine
9 science, and these are the people who I am having
10 discussions with. And they come up with baseline
11 information and it's based on conjecture. And then
12 they do all kinds of iterations to a fraction of a
13 percent to reach a finite plan. It's an academic
14 exercise.

15 Why you folks are here is the one reason I'm up
16 here. Who else comes to these meetings? Why? Where
17 does the interest lie? It's because you're pro the
18 environment? Nobody is against the environment. Who
19 is for the environment? When we talk about Buzzards
20 Bay, who owns it? What is in the public trust? Who
21 owns the shore line?

22 Ninety-five percent is privately owned. It's
23 not in the public limelight. It's privately owned,
24 okay. So the State knows that. I'm not against that.

1 That's fine. This plan you're -- you're getting ready
2 with this plan to handle issues that aren't issues.
3 And it's fun for somebody to do. I guess for some
4 young people, it is a learning procedure. I have
5 nothing against it.

6 What I have against it is one thing: For the
7 port of New Bedford, everybody is oblivious to it,
8 apparently. The largest fishing port in the country
9 by value of catch, there are 500 vessels. As other
10 ports slow down along the eastern coast, they're
11 coming to New Bedford.

12 These vessels are rafted, sometimes five, six,
13 seven vessels out. Look at these vessels in January,
14 in February when fishermen are crawling over these
15 boats, the ice-laden boats to get to the next one, to
16 get to the next one, before they he can get to the
17 pier.

18 Over ten years ago, this was considered, Mayor
19 Bullard, a critical issue. Has anything been done
20 about it? No. Kristin Decas, Mayor Lang plans, plans
21 over here. Nothing gets done with regards to that
22 critical issue.

23 I think that issue should be incorporated in
24 your plan, and it's just one to two feet off the coast

1 line, for crying out loud, it's not three miles, and
2 address it first, before you start thinking about wind
3 farms years down the road.

4 I'm not trying to be dramatic here; I know my
5 stuff. I have been here. I've advised a number of
6 governors; I've written park speeches for Senator
7 Kennedy, Gary Studds. I played touch football with
8 Barney Frank in the '70s for crying out loud. Attack
9 real issues. Don't conduct a school. Thank you.

10 MR. WEBER: Thank you. That is the last of the
11 Yeses. We're back to the maybes. I will start with
12 Chuck Dade.

13 MR. DADE: I would like to address those issues.
14 I didn't have anything in mind to say when I got here,
15 but the result of not having plans right out there in
16 that harbor, we have been trying to clean that harbor
17 for how many years now? How many years do we have to
18 go?

19 We want people who want to clean the environment
20 and not have to deal with plans, and not have to deal
21 with any kind regulations, and let's go forward and
22 pick ourselves a bonanza and have a plan. I think
23 that's the leadership on that.

24 But based on that same topic, I think there

1 should be a paradigm ship really in the idea of
2 commercial power as opposed to resource. I don't
3 think it should be commercial, we should be on a
4 simple side of the plan where the public itself owns
5 the resource, and a they hire contractors; they put
6 the contractor out to bid.

7 If it is renewable, this is what the resource
8 is. You know, we can allow it logically. We don't
9 want to touch this. The State has to change it and
10 come in at the same time. But they're not going to
11 deal with 99-year leases. They're still going to own
12 it.

13 If they still own it, they can change at any
14 time. They can tell the contractor, See you later.
15 We want another contractor. We don't think you're
16 doing the right job.

17 Beyond that, another aspect of that, the NIMBY
18 aspect of it. When you have a private organization,
19 corporation, we've seen right now where the wrong
20 thinking of the corporation is falling on us all over
21 the place. Banking crisis and all this stuff is by
22 corporate enterprises being rapacious with what there
23 is.

24 And you've got the oil companies have been

1 drilling off-shore. I never thought that was right.
2 That's public itself. Somehow they get to own it. I
3 don't think they get to own it. That's our wind.

4 If you want to get over some of the NIMBY
5 hurdles, the people who benefit most are the people
6 that are near it, Cape Cod, Martha's Vineyard and the
7 southcoast area, maintain ownership, contract it out.
8 And they are paying comparable municipal rates, and
9 not paying what they are now, because they own it.
10 You're paying less for your energy. Therefore in a
11 sense you allow, you know, a little bit of an
12 aesthetics change, which I think is very ironic that,
13 you know, the windmills, you know, are nostalgic in
14 the Netherlands. But over here, we can't allow it.

15 But really, I think I'm ranting, but we should
16 not be thinking about licensing the commercial. I
17 think we ought to be figuring out a public way of
18 doing it. We should be hiring out, you know,
19 professional companies and implementing it, and not
20 the owners.

21 MR. WEBER: Thank you. Jennifer Goldstein.

22 MS. GOLDSTEIN: I'll submit a written company.

23 MR. WEBER: Chuck Digate.

24 MR. DIGATE: I pass.

1 MR. WEBER: Thank you. And that concludes the
2 list of folks that had signed up. Are there other
3 folks who would like the speak? Mark?

4 MR. LONDON: Hello, I'm Mark London, much like
5 the city, I'm the Executive Director of the Martha's
6 Vineyard Commission. I spoke last night, so I'll only
7 be one minute just to introduce myself to the
8 audience. I want to bring up a couple of points that
9 I didn't mentioned yesterday.

10 We are going to thank you for coming to Martha's
11 Vineyard next week for an additional hearing in this
12 area in this series in all of the commercial wind in
13 Duke's County. It's appropriate that we have a
14 hearing there, and people in the community appreciate
15 the opportunity to speak about this.

16 The items that concerns us that I mentioned last
17 night are limited inclusion in the Oceans Plan of
18 Federal waters compared to the Rhode Island Plan,
19 which would appear to be integrated in analysis of the
20 State and Federal waters, and work on the way in the
21 Federal waters off of that, the best resource and less
22 impacts.

23 There are few times when in Massachusetts where
24 it sprays over the line and make suggestions in

1 Federal waters.

2 The other thing I wanted to talk about a bit
3 more was the scenic values. There was a brief mention
4 of this now. But discussions of scenic values is
5 remarkably absent in this project. And I'll address
6 again, in the Rhode Island Plan where it is one of the
7 criteria, amongst many, that seems to have been a
8 tendency to dismiss it, Oh, it's just aesthetics and
9 subjective, and there is no way of dealing with it.

10 And there is concern that leaving it out will
11 not lead to good decision-making in the long-term.
12 That there are ways of doing it in scientific and
13 objective ways, and that just isn't arbitrary for
14 instance. There is some reference in the appendix in
15 places that have done that. And I think we'll be
16 coming up with some proposal with how that could be
17 done.

18 It won't necessarily change the conclusions of
19 the first go-around where things are going to be
20 located. They might all ready have indirectly taken
21 scenic values into consideration; but consider a new
22 way for Buzzards Bay -- a new way for Buzzards Bay.
23 And if that was built in the long-term methodology of
24 how projects are going to be dealt within the next

1 five years, and five years after that, then project
2 that are one mile off the shore, and highly visible
3 areas would be treated differently from projects that
4 are two or three miles off the shore.

5 Right now, there is no way of differentiating
6 with the currently methodology we need the very the
7 (undecipherable) penetrating who knows these project.

8 The others I'll mention, I'll just mention
9 because they had been discussed tonight. There is
10 some concern on the Vineyard that the bird analysis
11 data was not completely dealt with. Absent of
12 migratory birds and the data might not be completed,
13 we'll be letting our bird people talk and they will
14 try to clarify that and get to the problem.

15 The other areas that haven't been discussed,
16 commercial wind area, why were these areas chosen?
17 Clarify a little bit in more detail why other areas
18 were not considered, and more of why the areas are
19 included, are not included? We have mentioned the
20 work methodology versus the wind and determining a
21 number.

22 There is another issue that needs to be resolved
23 in terms of local and town input on the project versus
24 a further decision-making process. You need that

1 town, and at least the RPAs or decision-making
2 authorities of RPAs, like all RPAs be involved earlier
3 in the process.

4 But commercial wind and the other parts that are
5 going to have to go through the town, the RPAs review,
6 to make sure that the local community the regions, are
7 involved early in the process. We don't go through
8 sort of years of the State doing RFTs, giving out a
9 contract, selecting a developer. The developer will
10 submit all the plans, and then a couple of years down
11 the line, someone knocks on door of the town hall and
12 asks for a permit and then starts to go through the
13 permitting process. (Undecipherable)

14 But I will mention the one other thing that
15 hasn't been mentioned so far, and that is the Wamanoag
16 Tribe is directly affected by the two commercial
17 areas, quote, commercial areas, and I'm not sure how
18 involved they have been in the process up to now; but
19 I think we are concerned that they have not been
20 apparently very involved.

21 I haven't really discussed it on the record, but
22 it's something that should happen before we submit it.

23 MR. WEBER: Thank you. Other comments?

24 Going once, twice.

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Thank you all for coming out tonight. Thank you
very much.

(Whereupon, the hearing concluded at 8:42 p.m.)

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Bristol, ss.

C E R T I F I C A T I O N

I, Patricia L. Brennan, Professional Shorthand Reporter and Notary Public, in and for the Commonwealth of Massachusetts, certify that the foregoing document is a true and accurate transcript of the proceedings recorded by me on September 15, 2009 in the City of New Bedford, Massachusetts, and reduced to typewriting at my direction.

Patricia L. Brennan Date
Notary Public

My Commission Expires
July 30, 2010

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